

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Malik Abdul Bey, EX REL Jeffrod Henry,
Jr.,

Plaintiff,

vs.

Adair Ford Burroughs, U.S. Attorney South
Carolina; Joseph Biden - United States of
America, nominally; Henry McMaster - State
of South Carolina, nominally,

Defendants.

Civil Action No. 3:23-cv-1929-CMC

ORDER

This matter is before the court on Plaintiff's Complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings. On May 23, 2023, the Magistrate Judge issued a Report and Recommendation ("Report") recommending Plaintiff's Complaint be summarily dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction. ECF No. 5. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections (ECF No. 9) and an Amended Complaint (ECF No. 10).

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made

by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report’s recommendation the matter be dismissed for lack of subject matter jurisdiction. Plaintiff objects to the Report “because of the lack of standing to issue an order as a Park Ranger.” ECF No. 9 at 1. He asserts the description of his complaint as frivolous “is beyond scope of the park ranger duties,” although he “agree[s] the court does not have ‘Subject Matter Jurisdiction.’” *Id.* at 2. Despite this, he contends the court was “given ‘Subject Matter’ from petitioner for this ‘Tax Event’ action.” *Id.* He notes his objection to the Report and that he has filed an Amended Complaint, which he requests be “grant[ed] because it states a claim upon which relief can be granted.” *Id.* at 3.

Plaintiff’s Amended Complaint, against the same Defendants, claims the United States Attorney sent him to the South Carolina Department of Mental Health for evaluation after his arrest. ECF No. 10 at 2. He claims this was a conspiracy and he “lost his wife” because of it. He characterizes this as a “tax event” because his criminal judgment included a forfeiture, which he seems to assert confers jurisdiction for his civil challenge on this court. *Id.* at 3. He requests a declaratory judgment that the United States Attorney’s actions were unconstitutional, to restore

the estate of Jeff Henry, issue a declaratory judgment Petitioner is a “National of the United States,” and \$300,000 in damages. *Id.* at 6-7. The remainder of his Amended Complaint is replete with nonsensical and sovereign citizen type arguments.

Defendant’s objections are overruled, as he concedes there is no subject matter jurisdiction in his original Complaint. In addition, the Amended Complaint fails to remedy the problem, and does not confer a basis for subject matter jurisdiction on this court. Accordingly, the court adopts the Report by reference in this Order. This matter is hereby dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 13, 2023